IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7155 OF 2005
IN
CRI.APPEAL NO.950 OF 2005

Bhanudas Manohar Mangade ..Applicant
Vs.
State of Maharashtra ..Respondents

...
Mr.V.V.Purwant Advocate for Applicant
Mr.V.B.Konde-Deshmukh, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 28, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant has been convicted under Section 366 r.w. 34 of IPC and sentenced to R.I. for five years. Mr.Purwant, the learned advocate for the applicant has submitted that the applicant was on bail during the trial and he has not misused the liberty granted to him. He has further pointed out that the age of Poonam was 28 years of age at the time of incident. In support of this submission, he has placed reliance on the evidence of mother of the Poonam i.e. P.W.3 Sau.Sushila. P.W.3 Sau.Sushila

has stated that her son Ganesh is 30 years of age and there is difference of two years between Ganesh and her daughter Poonam. This would mean that Poonam was 28 years of age at the time of incident. It is seen that after the applicant took away Poonam, they stayed with some people. During the said period when she was staying in the house of those persons, she had been out to answer nature's call and to have bath. However, she did not make any complaint to anyone in the neighbourhood, nor did she seek help from anybody. Mr.Purwant submitted that looking to these facts, it is clear that Poonam had voluntarily accompanied the applicant and had stayed with him voluntarily. Looking to the evidence on record, there does appear to be some merit in the submission. Hence, I am inclined to grant bail to the applicant.

4. The applicant-Bhanudas Manohar Mangade to be released on bail of Rs.30,000/- with one or two sureties to make up that amount. During the pendency of the appeal, the applicant shall report to Wadgaon-Nimbal Police Station once in a month i.e. on first Sunday of every month.

4. Application is disposed of.

[V.K.TAHILRAMANI,J.]